



Legislative Department Seattle City Council Memorandum

Date: May 7, 2010

To: Committee on the Built Environment (COBE)

From: Sara Belz, Legislative Analyst, Council Central Staff

Subject: **Council Bill (CB) 116861 and Clerk File (CF) 309754:** Application of Kevin Sutton for a contract rezone of 64,310 square feet of land at 7700 Rainier Avenue South, from Single Family 5000 (SF 5000) to Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). (Project No. 3009571/Type IV)

Overview

Kevin Sutton (the “Applicant”) proposes to rezone a site located at 7700 Rainier Avenue South from SF 5000 to NC2-40. COBE was previously briefed on this matter at its April 28, 2010 meeting. The property is located on the east side of Rainier Avenue South, between South Wildwood Lane and South Kenyon Street, and is approximately 64,310 square feet in size. The site is comprised of one full tax parcel at the north end of the rezone area and four half parcels immediately to the south.

Mr. Sutton’s proposal identifies this matter as a contract rezone and the property owners have expressed their intent to develop the site consistent with the following five-phase construction plan:

Phase 1: Construct Emerald City Bible Fellowship facility on the western halves of the three southernmost parcels. (Complete)

Phase 2: Install a temporary building north of the Emerald City Bible Fellowship facility to house Rainier Health and Fitness, a nonprofit program of Urban Impact. (Complete)

Phase 3: Construct Impact Family Village, a 63-unit affordable housing project, on the two northernmost parcels.

Phase 4: Replace the temporary Rainier Health and Fitness facility with a permanent building that also includes ground floor retail space and upper level offices.

Phase 5: Construct housing and/or a facility that provides support services to neighborhood residents behind the Emerald City Bible Fellowship building.

The record for this matter includes conceptual images of this five-phase plan as well as site plans and architectural drawings for Impact Family Village. Specific development plans for phases 4 and 5 have not yet been prepared.

Both the Department of Planning and Development (DPD) and the Hearing Examiner recommend approval of this rezone, with conditions.

CB 116861 and CF 309754

Council staff, in consultation with the Law Department, has drafted the necessary documents to complete this rezone. These include CB 116861, a Property Use and Development Agreement (PUDA), and a proposed Council Findings, Conclusions and Decision (FC&D) for CF 309754.

CB 116861 and PUDA

CB 116861 would amend the Official Land Use Map to reflect the proposed change in zone designation at 7700 Rainier Avenue South from SF 5000 to NC2-40. It would also accept a PUDA that places several conditions on the rezone. The rezone conditions included in the PUDA were adopted from the Hearing Examiner's report. The Hearing Examiner's original set of rezone conditions have been amended in the PUDA, as shown below in underline and strikethrough, to reflect Committee members' recommendations at the April 28 COBE meeting and to address administrative concerns.

Recommended Conditions – Rezone

1. Development of the Impact Family Village structure on tax parcels 9412400015 and 9412400016 shall be governed by the height and bulk and setback requirements established by the Land Use Code ~~and~~, the Design Review process, and as shown on the plan set approved by DPD in the MUP decision.
2. Landscaping for the Impact Family Village structure on tax parcels 9412400015 and 9412400016 shall be governed by the Land Use Code, the Design Review process, and the landscape requirements shown on the plan set approved by DPD in the MUP decision.
3. The cluster of trees on tax parcels 9412400025, 9412400035 and 9412400036 east of the 60 foot topographic line, as shown on the site survey submitted ~~with~~ for the MUP, will be preserved based on tree protections for a grove in Director's Rule 16-2008 and general tree protection regulations in SMC25.11.050B and E. Should the trees perish for any reason before or after construction, the area will be reforested at a one-to-one rate.
4. On tax parcels 9412400035, 9412400036 and 9412400045, all rear and side setbacks adjacent to a Single Family zone shall be increased from 15 to 25 feet for portions of buildings over 13 feet in height.
5. ~~Future development in the rezone area shall be limited to residential uses and/or uses that are functionally related to Urban Impact, the existing health club or the existing religious institution.~~

Staff recommends approval of CB 116861.

CF 309754 (Proposed Council FC&D)

CF 309754 contains the content of the record established by the Hearing Examiner and a proposed Council FC&D. The proposed Council FC&D:

1. Adopts the Hearing Examiner's Findings and Conclusions;
2. Amends the Hearing Examiner's recommended conditions, consistent with the PUDA; and
3. Approves the proposed rezone.

A copy of the proposed Council FC&D (labeled "DRAFT") is included in Committee members' notebooks.

COBE is also requested to amend the title of CF 309754, as shown below in underline and strikethrough, to make it consistent with the title of CB 116861:

Application of ~~Michael Vanderhoff~~Kevin Sutton for a contract rezone of ~~19,872~~64,310 square feet of land at 7700 Rainier Avenue South, from Single Family 5000 (SF 5000) to Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). (Project No. 3009571/Type IV).

Staff recommends approval of the proposed Council FC&D and amending the title of CF 309754 as described above.

Next Steps

A Committee recommendation today will enable a Full Council vote on both CF 309754 and CB 116861 on May 17.